

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
CIVIL ACTION NO.: 7:21-CV-00025-D

DANIEL McCARTHY; and PHILIP	:	
SCALZO,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	STATEMENT IDENTIFYING
	:	SELECTION OF MEDIATOR
ACTIVE ENERGY GROUP, PLC;	:	
LUMBERTON ENERGY HOLDINGS,	:	
LLC; ADVANCED BIOMASS	:	
SOLUTIONS, PLC; and ACTIVE	:	
ENERGY RENEWABLE	:	
POWER, LLC,	:	
	:	
Defendants.	:	
	:	

**NOW COME**, Plaintiffs, Daniel McCarthy and Philip Scalzo, and Defendants, Active Energy Group, PLC, Lumberton Energy Holdings, LLC, Advanced Biomass Solutions, PLC, and Active Energy Renewable Power, LLC, by and through their respective counsel of record, pursuant to Local ADR Rule 101.1c(a), and do hereby file this Statement Identifying Selection of Mediator.

1. The parties have conferred and agree to the selection of Scott C. Hart of Sumrell Sugg, P.A. as mediator in this case; and
2. Mr. Hart has agreed to his selection as mediator in this case.

SHIPMAN & WRIGHT, L.L.P.

575 Military Cutoff Road, Suite 106—Wilmington, North Carolina 28405  
Case 7:21-cv-00025-D Document 35 Filed 03/14/22 Page 1 of 3

Respectfully submitted this the 14<sup>th</sup> day of March 2022.

**WILLIAMS & RAY, PLLC**  
*Attorneys for Plaintiffs*

By: /s/ Brycen G. Williams  
**BRYCEN G. WILLIAMS**  
N.C. State Bar No.: 50253  
555 Fayetteville Street, Suite 201  
Raleigh, North Carolina 27601  
Telephone: (888) 315-3841  
Facsimile: (303) 502-5821  
Email: bw@williamsray.com

**SHIPMAN & WRIGHT, LLP**  
*Attorneys for Defendants*

By: /s/ Gary K Shipman  
**GARY K. SHIPMAN**  
N.C. State Bar No.: 9464  
575 Military Cutoff Road, Suite 106  
Wilmington, North Carolina 28405  
Telephone: (910) 762-1990  
Facsimile: (910) 762-6752  
Email: gshipman@shipmanlaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 14<sup>th</sup> day of March 2022, I electronically filed the foregoing ***STATEMENT IDENTIFYING SELECTION OF MEDIATOR*** with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing the following CM/ECF participants:

Brycen G. Williams  
WILLIAMS & RAY, PLLC  
555 Fayetteville Street, Suite 201  
Raleigh, North Carolina 27601  
Email: bw@williamsray.com  
*Attorneys for Plaintiffs*

This the 14<sup>th</sup> day of March 2022.

**SHIPMAN & WRIGHT, LLP**  
*Attorneys for Defendants*

By: /s/ Gary K. Shipman  
**GARY K. SHIPMAN**  
N.C. State Bar No.: 9464  
575 Military Cutoff Road, Suite 106  
Wilmington, NC 28405  
Telephone: (910) 762-1990  
Facsimile: (910) 762-6752  
Email: gshipman@shipmanlaw.com